

REMARKS

This application has been amended so as to place it in condition for allowance at the time of the next Official Action.

At the outset, applicants note that this amendment is made in a reissue application. Accordingly, the form of the amendment is not dictated by 37 CFR §1.121, but rather by 37 CFR §1.173. Moreover, MPEP Section 1453 provides both a narrative description of the proper form for amendments in a reissue application as well as helpful examples.

The status of each claim and where the current form of each claim can be found are as follows:

1. pending (amendment of May 31, 2005);
2. pending (unchanged from issued patent);
- 3-5. pending (amendment of May 31, 2005);
- 6-12. pending (original patent)
13. pending (amendment of May 31, 2005);
14. canceled (present amendment);
15. canceled (amendment of June 20, 2007);
- 16, 17. pending (amendment of May 31, 2005);
- 18-20. pending (amendment of July 30, 2003);
21. pending (amendment of February 8, 2006);
22. canceled (present amendment);
- 23, 24. pending (amendment of July 30, 2003);
25. pending (amendment of February 8, 2006);
- 26-28. pending (amendment of July 30, 2003);

29, 30. pending (amendment of May 31, 2005);
31-35. canceled (present amendment).

The present amendment cancels each of claims 14, 22, and 31-35. No pending claims are amended.

The Office Action rejects claims 14, 22, and 31-35 under 35 U.S.C. 103(a) as unpatentable over BERNHARDT et al. in view of RHINEVAILT in view of HARMS et al in view of SCHMUDDE et al. As noted above, each rejected claim is cancelled. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

The Office Action specifically states that each of remaining claims 1-13, 16-20, 23, 24, and 26-30 are allowed. Accordingly, reissue Applicant respectfully requests that the present reissue application be passed to allowance.

In light of the amendments provided above and the arguments offered in support thereof, applicants believe that the present application is in condition for allowance and an early indication of the same is respectfully requested.

If the Examiner has any questions or requires further clarification of any of the above points, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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